

CONSTRUCTION AND MAJOR MAINTENANCE

Appropriation Language

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, [\$225,493,000] \$180,000,000, to remain available until expended[, of which \$885,000 shall be for realignment of the Denali National Park entrance road, of which not less than \$3,000,000 shall be available for modifications to the Franklin Delano Roosevelt Memorial: Provided, That \$3,000,000 for the Wheeling National Heritage Area, \$3,000,000 for the Lincoln Library, and \$3,000,000 for the Southwest Pennsylvania Heritage Area shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That the National Park Service will make available 37 percent, not to exceed \$1,850,000, of the total cost of upgrading the Mariposa County, California municipal solid waste disposal system: Provided further, That Mariposa County will provide assurance that future use fees paid by the National Park Service will be reflective of the capital contribution made by the National Park Service].

In addition, for completion of ongoing projects, including Elwha River Ecosystem Restoration pursuant to Public Law 102-495, to become available on October 1 of the fiscal year specified and remain available until expended: for fiscal year 2002, \$21,400,000; for fiscal year 2003, \$17,200,000; and for fiscal year 2004, \$11,000,000. (16 U.S.C. 1-1c, 7a-7e, and 461-467; Public Law 102-495.)

Justification of Proposed Language Changes

1. Addition: In the heading: “AND MAJOR MAINTENANCE”

The new words proposed to be added to the heading reflect the inclusion of major maintenance in the activities to be funded in this appropriation account.

2. Deletion: “, of which \$885,000 shall be for realignment of the Denali National Park entrance road, of which not less than \$3,000,000 shall be available for modifications to the Franklin Delano Roosevelt Memorial: Provided, That \$3,000,000 for the Wheeling National Heritage Area, \$3,000,000 for the Lincoln Library, and \$3,000,000 for the Southwest Pennsylvania Heritage Area shall be derived from Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That the National Park Service will make available 37 percent, not to exceed \$1,850,000, of the total cost of upgrading the Mariposa County, California municipal solid waste disposal system: Provided further, That Mariposa County will provide assurance that future use fees paid by the National Park Service will be reflective of the capital contribution made by the National Park Service”

This language is proposed to be deleted because the funds included in the language are not requested for fiscal year 2001, or the language has accomplished its purpose and is no longer needed.

3. Addition: “In addition, for completion of ongoing projects, including Elwha River Ecosystem Restoration pursuant to Public Law 102-495, to become available on October 1 of the fiscal year specified and remain available until expended: for fiscal year 2002, \$21,400,000; for fiscal year 2003, \$17,200,000; and for fiscal year 2004, \$11,000,000.”

This language is proposed to request advance appropriations for ongoing projects including funding for Elwha River Ecosystem Restoration.

Appropriation Language Citations

1. For construction, improvements, repair or replacement of physical facilities,

Construction and Major Maintenance/Appropriation Language, Changes and Citations

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16 U.S.C. 1-1c, 7a-7e and 461-467

16 U.S.C. 1-1c creates the National Park Service to promote and regulate the use of national park areas for their conservation and enjoyment and provides authority for administering areas within the National Park System, thus implying authority for construction, construction planning, and equipment replacement for these purposes. Specific authority is provided in 16 U.S.C. 1a-5 and 1a-7 for general management plans for national park areas and for studies of areas which may have potential for inclusion in the National Park System. (Also, Congress has enacted limited authorizations for appropriations for specific construction projects.)

16 U.S.C. 7a-7e provides specific authority for the Secretary of the Interior to plan, acquire, establish, construct, enlarge, improve, maintain, equip, regulate, and protect airports in, or in close proximity to national parks, monuments, and recreation areas when such airport is included in the current national airport plan of the Secretary of Transportation.

16 U.S.C. 461-467 provides specific authority for the Secretary of the Interior to acquire property and to restore, reconstruct, rehabilitate, preserve, and maintain historic and prehistoric sites, buildings, objects, and properties of national historical or archeological significance.

2. including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989,

16 U.S.C. 410r-8

Section 104 of the Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229), 16 U.S.C. 410r-8, authorizes certain modifications at Everglades National Park. Appropriations for this purpose are authorized by section 102(f) of the act, 16 U.S.C. 410r-6(f).

3. \$_____, to remain available until expended.

No specific authority

This appropriation involves development programs which require more than a one-year cycle from their beginning stages through the actual construction of facilities. This applies to both preauthorization planning for areas that have been proposed as additions to the National Park System, and post-authorization planning for existing areas and those newly added to the National Park System. Both of these are preceded by reconnaissance studies that vary in style and duration and can be relatively simple or extremely complex. It is in the latter situation where more than a year may be required for completion of a program.

4. In addition, for completion of ongoing projects, including Elwha River Ecosystem Restoration pursuant to Public Law 102-495, to become available on October 1 of the fiscal year specified and remain available until expended: for fiscal year 2002, \$_____; for fiscal year 2003, \$_____; and for fiscal year 2004, \$_____.

16 U.S.C. 1-1c, 7a-7e and 461-467; Public Law 102-495

16 U.S.C. 1-1c, 7a-7e and 461-467, the same authorities cited and explained above for the regular appropriation language, also apply to the advance appropriation language proposed for ongoing construction projects.

Public Law 102-495, the Elwha River Ecosystem and Fisheries Restoration Act, authorizes acquisition of the Elwha and Glines Canyon projects and restoration of the Elwha River ecosystem and native anadromous fisheries.